

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David C. Lettieri,)	CASE NO. 4:24 CV 1243
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
Douglas Fender,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
)	
Respondent.)	

Pro se Plaintiff David C. Lettieri, a federal prisoner, has filed a Petition in this case for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (Doc. No. 1.) In his Petition, he challenges prison conditions, including “not being provided” adequate legal materials. (*Id.* at 2, ¶ 5.)

Federal district courts must conduct an initial review of habeas corpus petitions. 28 U.S.C. § 2243; *Alexander v. Northern Bureau of Prisons*, 419 F. App'x 544, 545 (6th Cir. 2011). A court must deny a petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 (applicable to petitions under § 2241 pursuant to Rule 1(b)). *See also Allen v. Perini*, 26 Ohio Misc. 149, 424 F.2d 134, 141 (6th Cir. 1970) (the district court has a duty to “screen out” habeas corpus petitions that lack of merit on their face).

The Court finds that the Petition must be dismissed. Federal prisoners may use 28 U.S.C. § 2241 to challenge the manner in which their sentence is being executed, such as the computation of their sentence credits or parole eligibility. *Capaldi v. Pontesso*, 135 F.3d 1122, 1123 (6th Cir. 1998) (citing *United States v. Jalili*, 925 F.2d 889, 893 (6th Cir. 1991)); *Wright v. United States Bd. of Parole*, 557 F.2d 74, 77 (6th Cir. 1977). But § 2241 “is reserved for challenges to the execution


of a sentence . . . and may not be used to challenge the validity of a conviction or the conditions of confinement." *Velasco v. Lamanna*, 16 F. App'x 311, 314 (6th Cir. 2001) ("a § 2241 habeas petition is not the appropriate vehicle for challenging the conditions of [a prisoner's] confinement"). Prisoners challenging the conditions of their confinement must do so through a civil rights action. *Preiser v. Rodriguez*, 411 U.S. 475, 487-88 (1973).

Accordingly, here, because Petitioner challenges the conditions of his confinement, he is not entitled to any relief by way of § 2241. If Petitioner wishes to challenge conditions of his confinement, he must do so through a civil rights action. And to file such an action in this district, he is now required to pay the full \$405 filing fee. *See Lettieri v. Garver*, No. 4:24 CV 1219 (N.D. Ohio July 26, 2024) (finding Plaintiff's abusive litigation history constitutes an abuse of the privilege of proceeding *in forma pauperis* and prohibiting Plaintiff from filing any new actions in this district unless he pays the full filing fee).

Conclusion

For the foregoing reasons, the Petition in this matter is DENIED and this action is DISMISSED pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Habeas Corpus Cases. The Court further certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2024